

AGENDA ITEM 4A

**Public Hearing for an Amendment to the
Planned Unit Development (PUD) Site Plan
and an Amendment to the Conditional Use
Permit (CUP)– Lot 2, Mayfair 2nd Addition
Replat Five – La Vista Senior Living, LLC**



CITY OF LA VISTA
PLANNING DIVISION

RECOMMENDATION REPORT

CASE NUMBER: PCUP-17-0002
PPUD-17-0003

FOR HEARING OF: June 15, 2017
REPORT PREPARED ON: June 6, 2017

I. GENERAL INFORMATION

- A. **APPLICANT:** La Vista Senior Housing, LLC
- B. **PROPERTY OWNER:** La Vista Senior Housing, LLC
- C. **LOCATION:** Southwest corner of Brentwood Drive and South 97th Plaza
- D. **LEGAL DESCRIPTION:** Lot 2, Mayfair 2nd Addition Replat Five
- E. **REQUESTED ACTION(S):** PUD Site Plan amendment and Conditional Use Permit amendment for a continuing care retirement community to remove independent living, adjust unit counts of memory and assisted living care units, along with associated site plan and building design changes.
- F. **EXISTING ZONING AND LAND USE:**
R-3 PUD; Multi-Family Residential with a Planned Unit Development (PUD) overlay and Gateway Corridor District (Overlay District); vacant.
- G. **PROPOSED USES:** The PUD Site Plan and Conditional Use Permit (CUP), as amended, will allow the applicant to operate a continuing care retirement community on the property that includes assisted living and memory care.
- H. **SIZE OF SITE:** 6.29 acres

II. BACKGROUND INFORMATION

- A. **EXISTING CONDITION OF SITE:** The lot is currently vacant. The property has a drastic slope away from the adjoining streets on the north and down to a relatively flat area with a gradual slope to the south that covers the majority of the lot.
- B. **GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
 - 1. **North:** Single family neighborhood; R-1 Single Family Residential District

2. **East:** Commercial strip center (Mama's Pizza); C-1 Shopping Center Commercial District and Gateway Corridor District (Overlay District)
3. **South:** Primrose School of La Vista; C-1 Shopping Center Commercial District and Gateway Corridor District (Overlay District)
4. **West:** Lot 11A, Mayfair 2nd Addition Replat One (Vacant); C-1 Shopping Center Commercial District and Gateway Corridor District (Overlay District)

C. RELEVANT CASE HISTORY:

1. The City Council held a public hearing on June 16, 2015 and unanimously approved of an amendment to the Future Land Use Map of the Comprehensive Plan from Commercial to High Density Residential; and a Zoning Map Amendment from C-1, Shopping Center Commercial, with the Gateway Corridor District (Overlay District) to R-3 PUD, High Density Residential Planned Unit Development, with the Gateway Corridor District (Overlay District).
2. The City Council held a public hearing on September 15, 2015 and approved the PUD Site Plan and Conditional Use Permit as it currently exists.

D. APPLICABLE REGULATIONS:

1. Section 5.08 of the Zoning Regulations – R-3 High Density Residential District
2. Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District)
3. Section 5.15 of the Zoning Regulations – Planned Unit Development District
4. Article 6 of the Zoning Regulations – Conditional Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. The Future Land Use Map of the Comprehensive Plan currently designates this property for High Density Residential.
2. The proposed project will meet Action Strategy #12 of the Housing and Residential Areas category of the Community Goals, Policies and Action Strategies Chapter of the Comprehensive Plan, which states:

Encourage the development of additional owner and renter occupied housing types, including single family, multiple family for low- to moderate income families, persons with disabilities and the elderly, to meet existing and future needs of all La Vista residents. Emphasis on owner occupied housing

development is the preferred choice of the community and its residents.

La Vista has only one nursing care and assisted living facility. The proposal would provide an additional option for residents.

B. OTHER PLANS: N/A

C. TRAFFIC AND ACCESS:

1. Access will be from proposed egress / ingress to Brentwood Drive and South 97th Plaza. The traffic impacts from a high-density residential use are expected to be less intensive than most commercial uses.
2. The PUD Site Plan needs to be reviewed by the Papillion Fire Marshall as the circulation geometry for the fire lane access has been revised. This review and resolution of any possible issues shall be resolved by the applicant before City Council review.

D. UTILITIES: All utilities are available to the site.

E. PARKING REQUIREMENTS: The parking stall requirements, as per the Zoning Ordinance for the proposed use are:

• Assisted Living -	80 Stalls (1 Per Unit)
• Memory Care -	11 Stalls (1 Per 3 Beds)
• <u>Employee -</u>	<u>25 Stalls (1 Per Employee)</u>
• Total	116 Stalls (5 Accessible)

The developer has submitted a letter requesting a reduction in the parking stall counts required for the proposed use based on recent development as well as historical data from the operating history of similar projects.

Staff has reviewed this letter and approves of the revised stall count of 95 stalls (6 accessible) based on the developer's experience with parking demand for these uses. This is an increase of three parking spaces over the original amount of 92 stalls as approved through the existing PUD and CUP documents. If parking issues arise, it appears as though space for additional parking stalls is available near the southern lot line if necessary. Overflow parking is not allowed on Brentwood Drive or 97th Plaza.

F. LANDSCAPING: The property is within the Gateway Corridor Overlay District – Sub Area Secondary Overlay and is subject to design review. Also, an existing permanent 30-foot wide landscape buffer easement lies along the northern edge of the Mayfair commercial area. This easement is depicted in the northwest corner of the property on the CUP Site Plan map.

A landscaping plan has been reviewed and approved by the Design Review Architect. A copy of this plan is included as an exhibit to the Conditional Use Permit.

IV. REVIEW COMMENTS:

1. As the subject property is within the Gateway Corridor District and is subject to the Architectural and Site Design Guidelines for the Mayfair Commons Development, any development on the property will need to go through the City's building and site design approval process. The revised development design documents are currently under review by the City's Design Review Architect. The revised building design documentation has been included within the CUP as an exhibit.
2. The proposed changes to the housing unit type mix are as follows:

	<u>Approved</u>	<u>Proposed</u>
Senior Independent Living	25	0
Assisted Living	50	80
<u>Memory Care</u>	<u>24</u>	<u>30</u>
Total Units	99	110

3. Any future changes in the number and type of housing units within the facility will require review and approval by the City.

V. STAFF RECOMMENDATION –PUD SITE PLAN:

Staff recommends approval of the amended PUD Site Plan, contingent on Papillion Fire Department approval of proposed changes to the fire lane and approval of building design prior to City Council review.

VI. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:

Staff recommends approval of the amended Conditional Use Permit, contingent on Papillion Fire Department approval of proposed changes to the fire lane and approval of building design prior to City Council review.

VII. ATTACHMENTS TO REPORT:

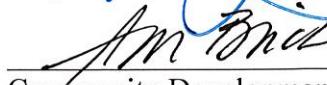
1. Vicinity Map
2. Staff review letter
3. PUD Site Plan
4. Conditional Use Permit with exhibits

VIII. COPIES OF REPORT TO:

1. Nate Buss, Olsson Associates
2. Jacob Wolfgang, La Vista Senior Housing, LLC
3. Regina Belik
10018 Idora
La Vista, NE 68128
4. Public Upon Request



Prepared by



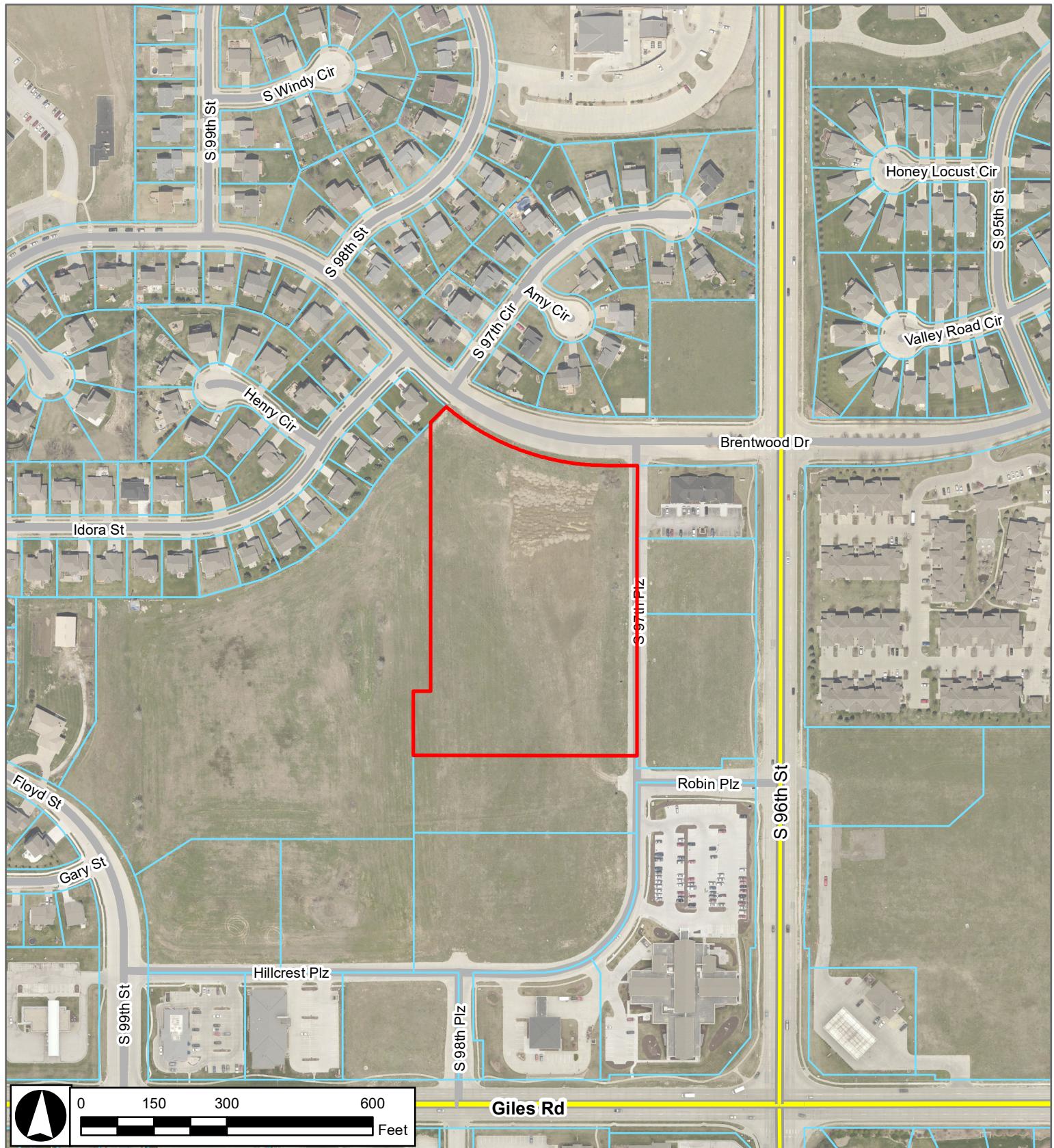
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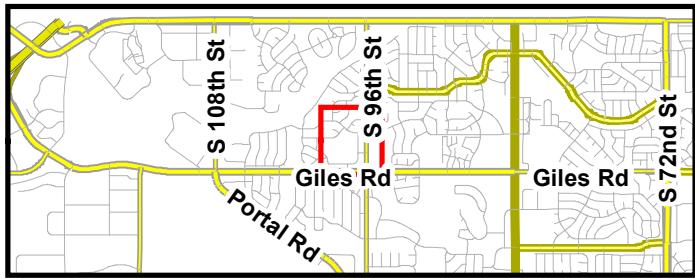
Community Development Director

Date

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Project Vicinity Map



Lot 2 - Mayfair 2nd Addition Replat 5

6-8-2017
JMC



May 22, 2017



Nate Buss
Olsson Associates
601 P Street
Lincoln, NE 68508

RE: Amended Planned Unit Development and Conditional Use Permit – Initial Review
Nelson Development Senior Living
(Formerly Good Neighbor Senior Living)

Mr. Buss:

Thank you for your submittal of the Nelson Development Senior Living Facility – Continuing Care Facility PUD Site Plan and Conditional Use Permit (CUP) amend requests. Staff has reviewed the initial submittal and have provided the following initial comments:

PUD Site Plan Amendment

1. The General Provisions information section of the PUD site plan states that the property is currently zoned C-1. However, the current zoning for the property is R-3 PUD as stated in the Proposed Zoning line item.
2. In accordance with Article 5.15.04.01 the applicant needs to submit a schedule of construction. In particular, if there is to be phasing, that needs to be identified with time periods.
3. To address Article 5.15.04.04, the revised PUD site plan needs to be submitted to the Fire Marshall for review since the circulation geometry for fire lane access has been revised.
4. The revised plans now propose 110 units whereas there were 99 units proposed previously. However, the prior submittal had 25 units of independent living whereas there are no independent living units in the current proposal. The proposed parking count is 95 stalls versus the standard requirement of 116 stalls. Whereas the application form states a provision of 100 stalls. Based on the prior documentation, the City is agrees with the quantity of parking depicted on the PUD site plan with the provision that space is reserved at the southeast corner of the site to add parking if the need develops above what is projected.
5. Relative to Article 5.15.04.14, the access easement in favor of Lot 11A, Mayfair 2nd Addition in the northwest corner of the site needs to be shown on Sheet C1.0.
6. The proposed sidewalk along South 97th Plaza and Brentwood Drive needs to be labelled as 5 feet wide. It scales 5 feet wide, but needs to be labelled.

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
p: 402-331-4343
f: 402-331-4375

Community Development
8116 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

Fire
8110 Park View Blvd.
p: 402-331-4748
f: 402-331-0410

Golf Course
8305 Park View Blvd.
p: 402-339-9147

Library
9110 Giles Rd.
p: 402-537-3900
f: 402-537-3902

Police
7701 South 96th St.
p: 402-331-1582
f: 402-331-7210

Public Buildings & Grounds
8112 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

Public Works
9900 Portal Rd.
p: 402-331-8927
f: 402-331-1051

Recreation
8116 Park View Blvd.
p: 402-331-3455
f: 402-331-0299

www.cityoflavista.org
info@cityoflavista.org

7. The PUD Landscaping Plan depicts a number of trees planted over an existing gas line along 97th Plaza and a proposed sanitary sewer line running through the parking lot. Please confirm that the proposed plantings will not affect the utilities in these areas. A detailed landscaping plan will need to be resubmitted with the revised design review materials to the City's Design Review Architect for review prior to Building Permit issuance.
8. Please revise item #1 of the PUD Landscaping Plan "Plant Notes" to read: "Final Landscape plan and design shall be reviewed and approved by the Planning Department prior to submittal for Building Permit."
9. The architectural plan set is currently under review by the City's Design Review Architect. Comments from the Architect will be forthcoming.
10. Please note that all possible changes to design review aspects during the building permit and construction phases need approval through the Planning Department.
11. To address Article 5.15.05.02(5), please illustrate the limits of the ingress/egress easement containing South 97th Plaza on Sheet C1.0.

Conditional Use Permit (CUP)

12. A number of similar issues noted in the PUD site plan set exist in the CUP site plan set. Please revise accordingly.
13. In regards to Article 6.05.02, the proposed use will not impair the "use or enjoyment of other property in the immediate vicinity" of the project if this proposed project does not result in any on-street parking on abutting streets. The Conditional Use Permit will continue to contain language prohibiting project related parking on South 97th Plaza and Brentwood Drive.
14. In regards to Article 6.05.03, I find no impact to the "orderly development of surrounding property" subject to illustrating the Access Easement over the northwest corner of the site in favor of abutting Lot 11A, Mayfair Second Addition, Replat 1 as contained in Instrument No. 2016-06622 of the Sarpy County Records.
15. In regards to Articles 6.05.05 and 6.05.10, concerning traffic congestion, the proposed use of 110 units for assisted and memory care senior living (previously 99 units) will have less traffic impact than the previous commercial zoning of the property. For that reason, the City does not find that a traffic impact study is necessary. As a result of a previous traffic signal study on the 96th Street corridor, the City has programmed and is proceeding with the design and construction of a traffic signal at the intersection of 96th Street and Brentwood Drive.
16. Please note that the City conducts an annual review of each Conditional Use Permit to ensure the site and the use is in conformance with the permit as approved.

A draft Conditional Use Permit (CUP) will be forwarded to you in the coming days for your review. It should be noted that this is just a draft of the CUP document, the City Attorney will review the draft prior to forwarding it on to City Council.

Please provide revisions prior to May 31st to remain under consideration for the June 15th Planning Commission meeting.

Should you have any questions please contact me at 402-593-6402 or csolberg@cityoflavista.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Solberg". It is written in a cursive, flowing style with a horizontal line extending from the end of the signature.

Christopher Solberg, AICP
City Planner

Cc: Ann Birch, Community Development Director
John Kottmann, City Engineer
Jeff Sinnott, Chief Building Official
File

50483 PBASF

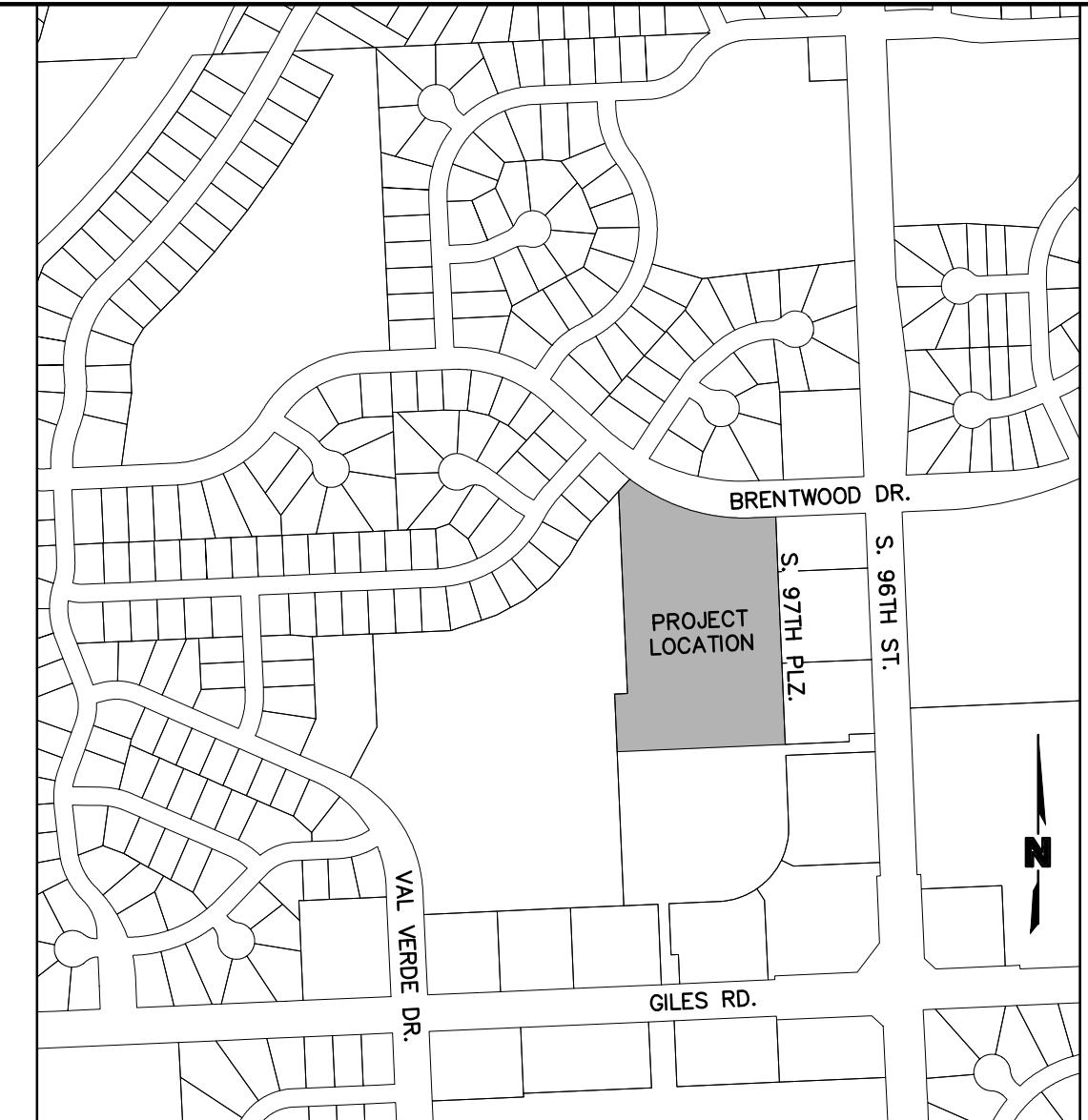
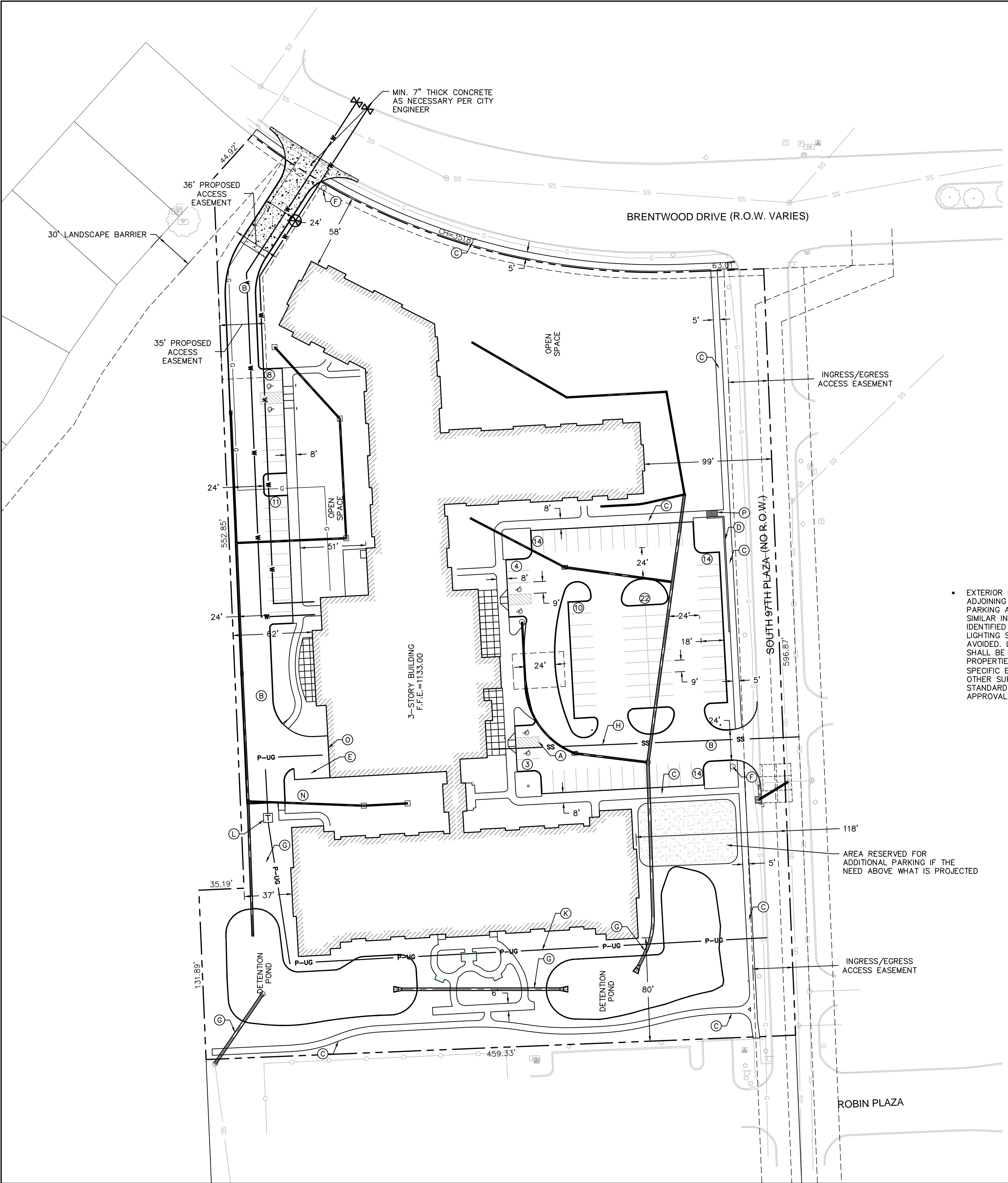
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DATE: May 30 2017



VICINITY MAP

SITE KEY NOTES

(A)	ACCESSIBLE PARKING AREA
(B)	CONCRETE PAVEMENT
(C)	SIDEWALK
(D)	RETAINING WALL WITH FENCE. MATERIALS TO BE SUBMITTED BY ARCHITECT. REFERENCE PRELIMINARY GRADING PLAN FOR HEIGHT AND DIMENSIONS.
(E)	DUMPSTER ENCLOSURE WITH SCREENING. MATERIALS TO BE SUBMITTED BY ARCHITECT.
(F)	STOP SIGN
(G)	STORM SEWER
(H)	SANITARY SEWER
(I)	WATER SERVICE LINE
(J)	GAS SERVICE LINE
(K)	UNDERGROUND POWER LINE
(L)	ELECTRICAL TRANSFORMER
(M)	COMMUNICATIONS SERVICE LINE
(N)	UTILITY PAD AREA WITH 8' HIGH WOOD FENCE.
(O)	DELIVERY ENTRANCE
(P)	STAIRS
(Q)	ADA ACCESSIBLE RAMP WITH RAILINGS

GENERAL PROVISIONS

ADDRESS	TBD
LEGAL DESC.	LOT 2, MAYFAIR 2ND ADDITION REPLAT 5
EXISTING ZONING	R-3/PUD
PROPOSED ZONING	R-3/PUD
LOT AREA	273,927 S.F. (6.29 AC.)
BUILDING AREA	67,008 S.F.
GROSS FLOOR AREA	115,383 S.F.
BUILDING HEIGHT	44'-0"
BUILDING USE	SENIOR CARE
BUILDING COVERAGE	24.5%
DENSITY	17.49 UNITS/AC.
OPEN SPACE AREA	133,724 S.F. (3.07 AC.)
OPEN SPACE COVERAGE	48.8%
BUILDING SETBACK / LANDSCAPE BUFFER	
FRONT YARD	30' / 15'
REAR YARD	30' / 0'
SIDE YARD	10' / VARIES (0'-10')

REQUIRED PARKING

ASSISTED LIVING: MEMORY CARE: EMPLOYEE: TOTAL:	80 STALLS (1 PER UNIT) 11 STALLS (1 PER 3 BEDS) 25 STALLS (1 PER EMPLOYEE ON SHIFT) 116 STALLS (5 ACCESSIBLE)
REQUIRED PARKING PER USE PERMIT	
ASSISTED LIVING: MEMORY CARE: EMPLOYEE: TOTAL:	31 STALLS (1 PER 3 BEDS) 8 STALLS (1 PER 4 RESIDENCE) 25 STALLS (1 PER EMPLOYEE ON SHIFT) 64 STALLS (3 ACCESSIBLE)
PROVIDED	95 STALLS (6 ACCESSIBLE)
ADJACENT LAND USE	
NORTH	SINGLE FAMILY RESIDENTIAL
EAST	COMMERCIAL
SOUTH	COMMERCIAL
WEST	COMMERCIAL (VACANT)

LEGEND

STALL COUNT

CHOLSON[®]

ASSOCIATES

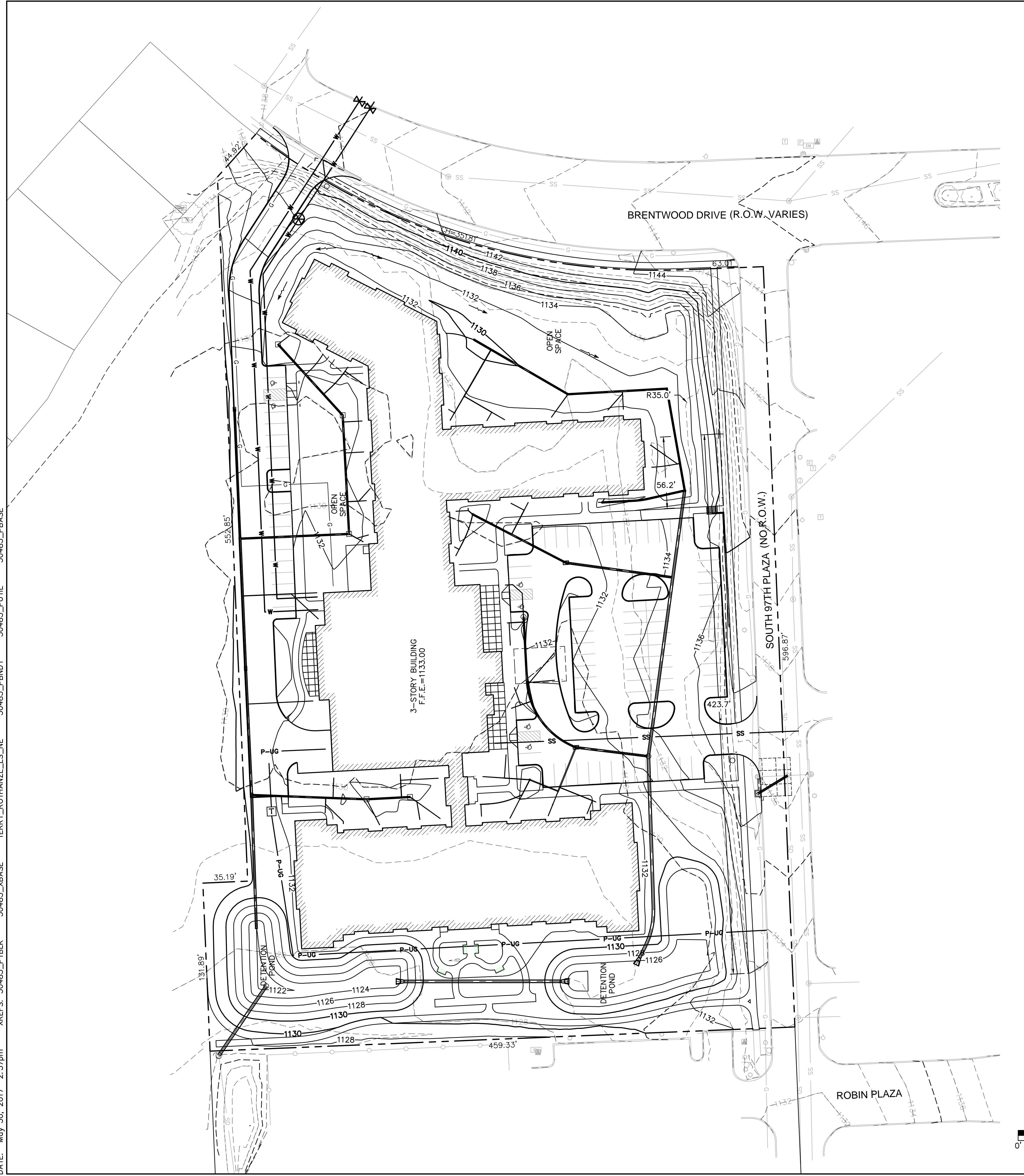
2111 South 67th Street, Suite 200
Omaha, NE 68106
TEL 402.341.1116
FAX 402.341.5895
www.qlsassociates.com

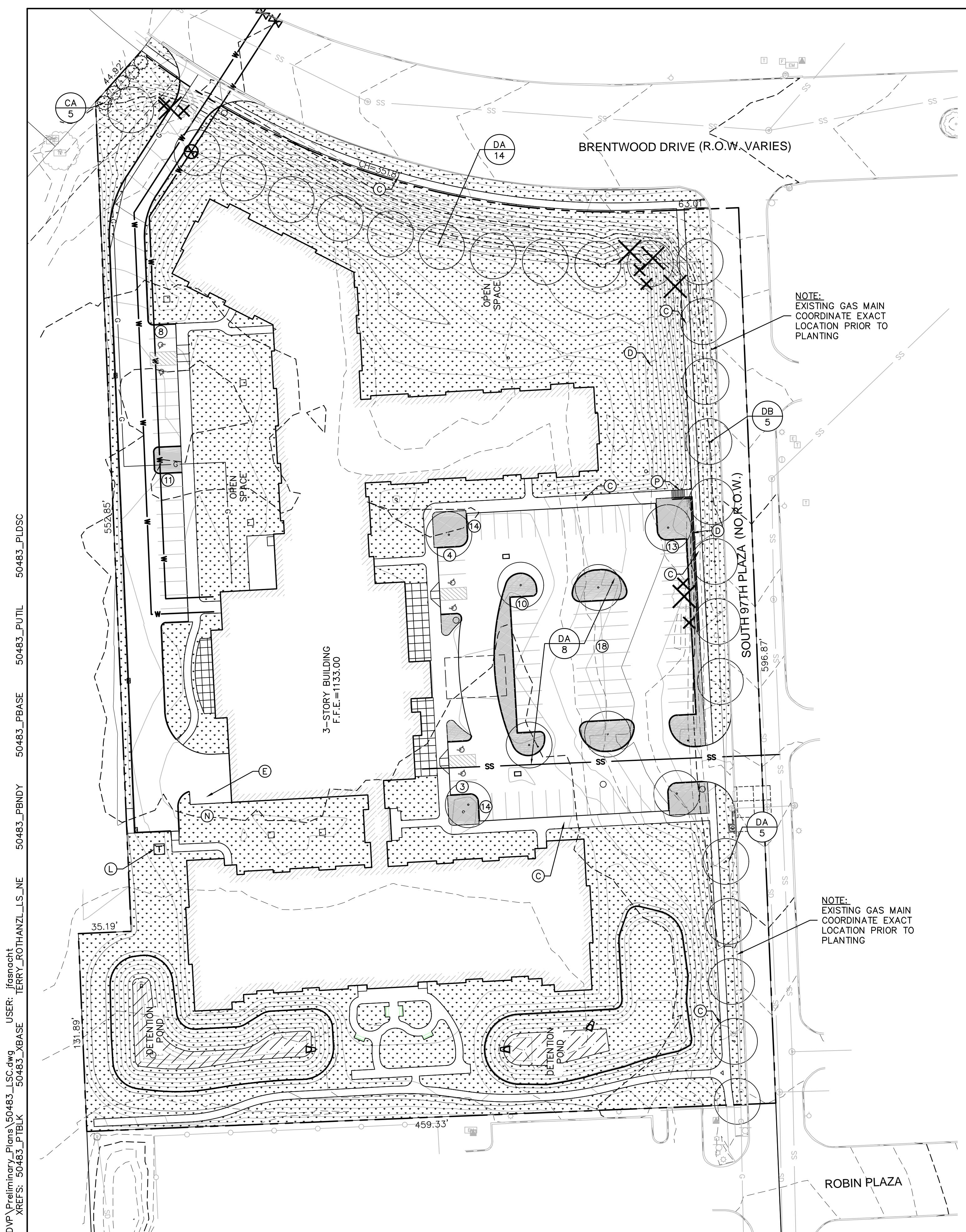
PLANNED UNIT DEVELOPMENT SITE PLAN

PLANNED UNIT DEVELOPMENT SITE PLAN

drawn by:	NE
checked by:	LA VISTA, NE
approved by:	
QA/QC by:	
project no.:	015-0483
drawing no.:	
date:	5/1/17

SHEET
C1.0





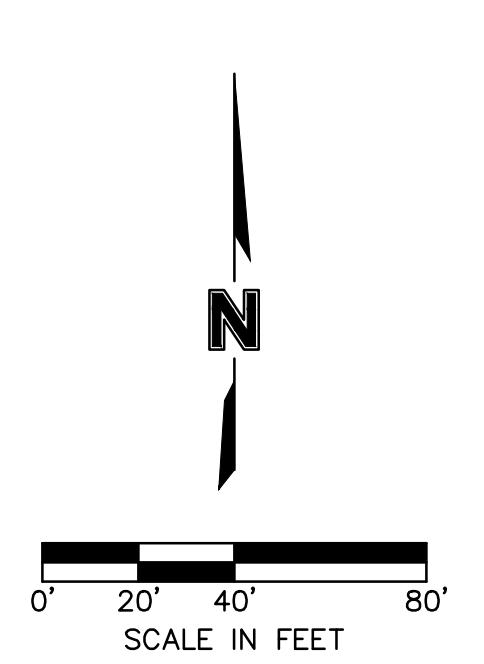
PLANT SCHEDULE

KEY	QTY.	BOTANICAL NAME	COMMON NAME	PLANTING METHOD	SIZE @ PLANTING	SPACING	MATURE HEIGHT	MATURE SPREAD	REMARKS
DECIDUOUS TREES									
DA	27	GYMNOCLADUS DIOICA 'ESPRESSO-JFS'	ESPRESSO KENTUCKY COFFEE TREE	B&B	2.5 CALIPER	AS SHOWN	50'	35'	
DB	5	GLEDTISIA TRIACANTHOS VAR. INERMIS 'HALKA'	HALKA HONEYLOCUST	B&B	2.5 CALIPER	AS SHOWN	50'	35'	
CONIFEROUS TREES									
CA	5	PINUS FLEXILIS 'VANDERWOLF'S PYRAMID'	VANDERWOLF'S LIMBER PINE	B&B	6' HT.	AS SHOWN	20'	10'	

LANDSCAPE REGULATIONS - CITY OF LA VISTA

ZONING CLASSIFICATION	R3 - PUD		
LOT AREA	273,927 S.F. (6.29 AC.)	REQUIRED	PROVIDED
		COMMENTS	
1. LANDSCAPE REQUIREMENTS (7.17.03)			
a. 7.17.03.02 Street Frontage	15'	49.14'	
b. 7.17.03.02(3) Street Frontage Trees	1 Tree / 40' of Street Frontage	11	Calculations: 422' / 40' = 11 Trees.
c. 7.17.03.03 Side Yard	10'	10'	
b. 7.17.03.03(2) Side Yard Screening	6' Minimum height	6'	6' High Landscape screen
d. 7.17.03.04 Rear Yard	10'	NA	Adjacent zoning - C-1
e. 7.17.03.06 Parking Interior Landscaping	10 sq ft/ Stall	5669 sq ft	Calculations: 81 stalls x 10 sq ft = 810 sq ft
7.17.03.07 Perimeter Landscaping	1 Tree / 40' of Street Frontage	NA	Rezoning to R3-PUD
2. SCREENING REQUIREMENTS (7.17.04)			
a. 7.17.04.01 Parking	3' Minimum height	NA	No abutting residential district or ROW
b. 7.17.04.02 Commercial or Industrial Use	6' Minimum height	NA	Rezoning to R3-PUD

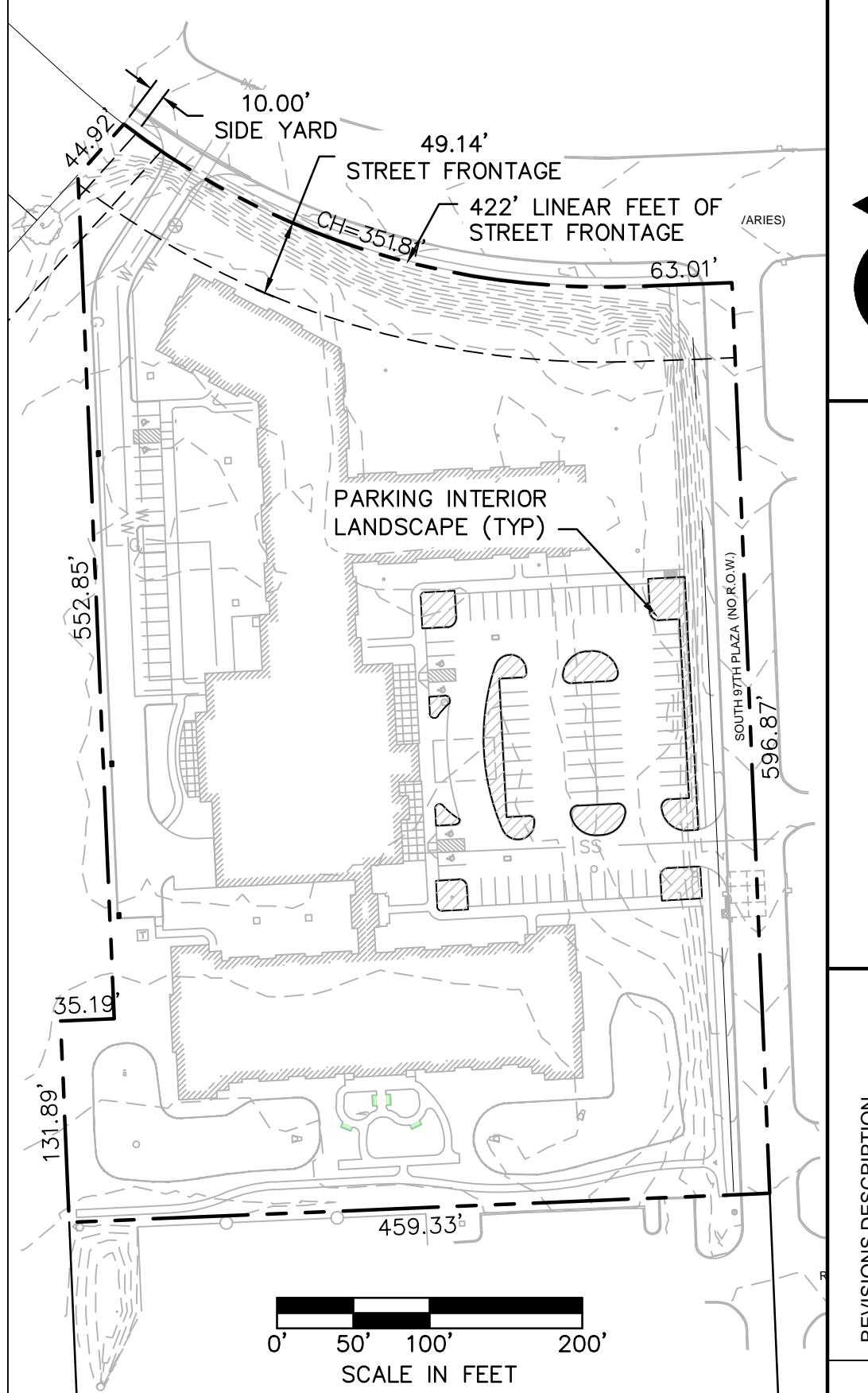
*1 TREE PER 40 LINEAR FEET ALONG SOUTH 97TH STREET PER CITY REQUEST.



PLANT NOTES

- UNITY OF THE DESIGN SHALL BE ACHIEVED BY REPETITION OF CERTAIN PLANT VARIETIES AND OTHER MATERIALS AND BY CORRELATION WITH ADJACENT DEVELOPMENTS AS LISTED IN APPENDIX A, AND NOTED BELOW:
 - A MINIMUM OF TWO SPECIES LISTED UNDER THE DECIDUOUS TREE CATEGORY
 - A MINIMUM OF ONE SPECIES LISTED UNDER THE CONIFEROUS TREE CATEGORY
 - A MINIMUM OF ONE SPECIES LISTED UNDER THE DECIDUOUS SHRUBS CATEGORY
 - A MINIMUM OF ONE SPECIES LISTED UNDER THE CONIFEROUS SHRUBS CATEGORY
 FINAL LANDSCAPE PLAN AND DESIGN SHALL BE REVIEWED AND APPROVED BY THE PLANNING DEPARTMENT PRIOR TO SUBMITTAL FOR BUILDING PERMIT.
- IRRIGATION OF ALL LANDSCAPE ELEMENTS AS DEFINED ABOVE AND TURF AREA IS REQUIRED.
- PRIOR TO ANY PLANTING OR BREAKING OF GROUND, IT IS THE CONTRACTOR'S RESPONSIBILITY TO CALL/LOCATE ALL UTILITY LINES WITHIN THE VICINITY.
- THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS DURING EXCAVATION OPERATIONS TO NOT DISTURB EXISTING UTILITY LINES. DAMAGE TO ANY EXISTING UTILITY LINES SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE.
- ALL DAMAGE TO EXISTING SITE IMPROVEMENTS RESULTING FROM EXCAVATION, PLANTING, BACKFILLING, ETC. SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. THE CONTRACTOR SHALL SEED ALL DISTURBED AREAS INCLUDING CONSTRUCTION ACCESS OUTSIDE PROJECT LIMITS. SURFACES OTHER THAN THE PLANTING AREA SHALL BE RESTORED BY THE CONTRACTOR TO THE CONDITION EXISTING PRIOR TO THE PLANTING OPERATION.
- PLANT LIST IS PROVIDED FOR CONVENIENCE ONLY. IN THE CASE OF DISCREPANCIES BETWEEN THE PLAN AND THE PLANT LIST QUANTITIES, THE PLAN WILL TAKE PRECEDENCE. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL FINAL QUANTITIES PER DRAWINGS AND SPECIFICATIONS.
- ALL PLANT MATERIAL INSTALLED SHALL BE "NURSERY GROWN" MEETING THE FOLLOWING CRITERIA:
 - PLANT MATERIAL GROWN BY ESTABLISHED COMMERCIAL NURSERIES AND SOLD TO LICENSED AND CERTIFIED NURSERIES AND/OR LANDSCAPE ARCHITECTS.
 - GROWN AND SOLD ACCORDING TO AMERICAN STANDARD FOR NURSERY STOCK SPECIFICATION.
- THE LANDSCAPE ARCHITECT AND/OR OWNER RESERVES THE RIGHT TO INSPECT AND APPROVE ALL PLANT MATERIAL AT THE NURSERY/PLACE OF GROWTH, PRIOR TO INSTALLATION. PLANT MATERIAL WHICH HAS BECOME DAMAGED OR DISEASED OR WHICH IS UNACCEPTABLE TO THE LANDSCAPE ARCHITECT MAY BE REJECTED UPON DELIVERY TO THE SITE. WHEN TYPICAL, TREES WITHOUT A CENTRAL LEADER WILL NOT BE ACCEPTED.
- PLANTING OF TREES AND SHRUBS AREAS SHALL BE COMMENCED DURING THE SPRING (MARCH 15-JUNE 15) OR FALL (SEPTEMBER 1-OCTOBER 15) PLANTING SEASON. ANY PLANTING OPERATION NOT PERFORMED DURING THESE PERIODS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT AND ARE PERFORMED AT THE CONTRACTOR'S RISK.
- ALL PLANTING OPERATIONS AND LAYOUT SHALL BE COORDINATED WITH THE LANDSCAPE ARCHITECT. THE ACTUAL LOCATION OF PLANT MATERIALS MAY VARY DUE TO FIELD CONDITIONS. FINAL PLACEMENT OF PLANT MATERIAL SHALL BE APPROVED BEFORE PITS ARE DUG. IF INITIAL PLACEMENT IS NOT SATISFACTORY, PLANTS SHALL BE RELOCATED AT THE DIRECTION OF THE LANDSCAPE ARCHITECT OR THEIR REPRESENTATIVE, AT NO ADDITIONAL COST TO THE OWNER.
- ALL TREE/SHRUB PLANTING AREAS SHALL BE AMENDED WITH A LOCALLY PRODUCED

SITE KEY NOTES	
(C)	SIDEWALK
(D)	RETAINING WALL WITH FENCE
(E)	DUMPSTER ENCLOSURE WITH SCREENING
(L)	ELECTRICAL TRANSFORMER
(N)	UTILITY PAD AREA WITH 8' HIGH WOOD FENCE



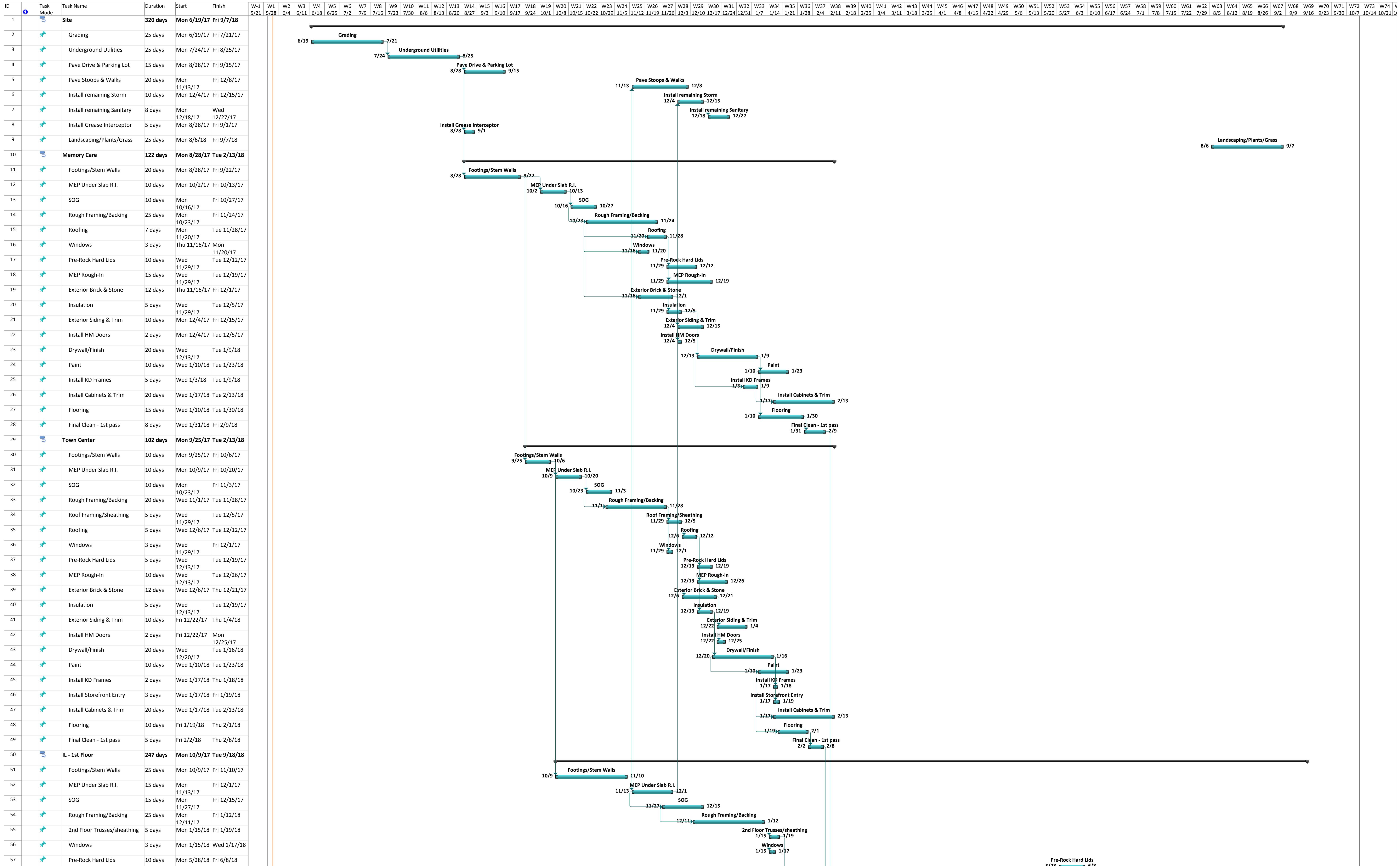
REVISIONS DESCRIPTION	REVISIONS

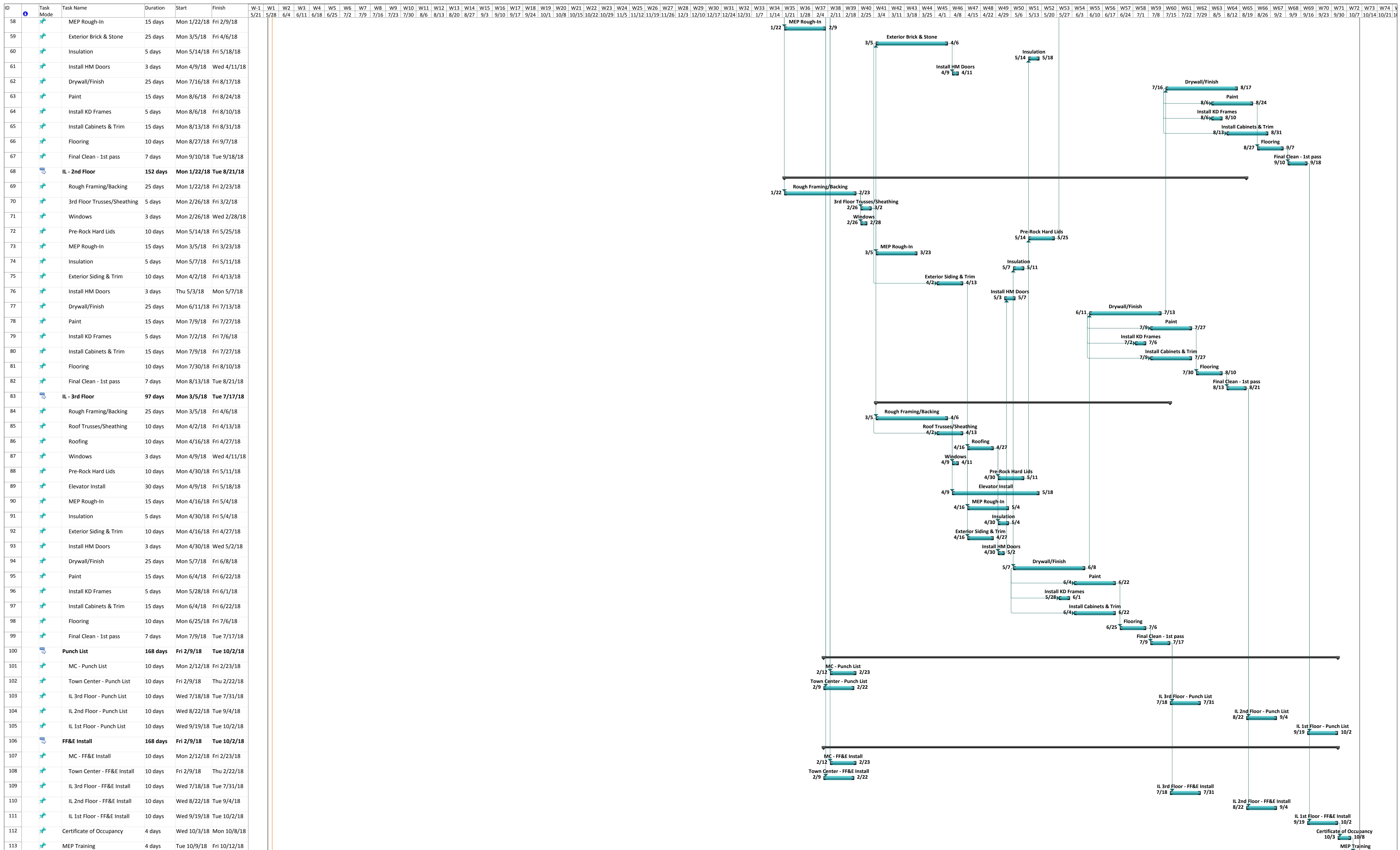
PLANNED UNIT DEVELOPMENT LANDSCAPE PLAN

NELSON DEVELOPMENT SENIOR LIVING

LA VISTA, NE
2015
2111 South 67th Street, Suite 200
Omaha, NE 68106
TEL 402.341.1116
FAX 402.341.5895
www.diasassociates.com

OLSSON
ASSOCIATES





City of La Vista Conditional Use Permit

Conditional Use Permit for Continuing Care Retirement Community, Lot 2 Mayfair 2nd Addition Replat Five

This Conditional Use Permit issued this day of , 2017, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to, Nelson Construction and DevelopmentLa Vista Senior Housing, LLC (“Owner”), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate a continuing care retirement community to be known as Good Neighbor Senior Living upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 2 of Mayfair 2nd Addition Replat Five, a subdivision as surveyed, platted and recorded in the City of La Vista, Sarpy County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of constructing a continuing care retirement community for seniors 55 years of age or older meant for independent living, assisted living, and memory care; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit to the owner for such purposes, subject to certain conditions and agreements as hereinafter provided.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area designated on Exhibit “C1.0” hereto for a continuing care retirement community, said use hereinafter being referred to as “Permitted Use or Use”.

Conditions of Permit

The conditions to which the granting of this permit is subject are:

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the proposed Use:
 - a. A site plan showing the property boundaries of the tract of land and easements, proposed structures, parking, access points, and drives has been provided to the City and is attached to the permit as Exhibit “C1.0”.
 - b. The premises shall be developed and maintained in accordance with the site plan (Exhibit “C1.0”) as approved by the City and incorporated herein by this reference. Any modifications must be submitted to the Chief Building OfficialCity Planner for approval.
 - c. This continuing care facility is intended for senior independent living, assisted living, and memory care. Facilities shall consist of 30 units of memory care and 80 units of assisted living units. Facilities shall be exclusively operated for, marketed and leased to, and occupied by persons age 55 and older, or as otherwise required to provide reasonable accommodations to disabled residents under applicable laws, rules or regulations. To carry out this requirement, Owner shall:

- (i) From time to time during this permit, adopt, publish and adhere to written rules, policies and procedures to implement and carry out said requirement in accordance with 24 CFR Section 100.306, as adopted, amended or superseded from time to time, subject to review and approval of the City Administrator, which approval shall not be withheld or refused so long as the rules, policies and procedures satisfy the requirements of "c" above and 24 CFR Section 100.306; and
 - (ii) Take all other actions during this permit as may be required from time to time under the Federal Fair Housing Act, Housing for Older Persons Act of 1995, Nebraska Fair Housing Act, or any other applicable laws, rules or regulations, as adopted, amended or superseded from time to time, to carry out this subparagraph "c" in accordance with all applicable requirements, and specifically to qualify and continue the qualification of the facility as senior housing exempt from any applicable familial status protections.
- d. All parking for residents and visitors is to remain on-site; no on-street parking is allowed on Brentwood Drive or South 97th Plaza.
 - e. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the facility, except trash receptacles and those approved in writing by the City.
 - f. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete. Trash dumpsters shall be placed with a trash enclosure of six feet in height and screened accordingly.
 - g. Landscaping requirements from Section 7.17 of the City of La Vista Zoning Ordinance shall be satisfied and maintained in accordance with the landscaping plan (Exhibit "C3.0").
 - h. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, and ADA.
 - i. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
 - j. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.
- 3. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:
 - a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
 - b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
 - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.
 - 4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:
 - a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months

- shall constitute a presumption of abandonment.
- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
 - c. Owner's construction or placement of a storage tank, structure or other improvement on the premises not specified in this permit. This shall not apply to storm water detention or retention tanks, as required by the City Engineer, to comply with storm water management regulations.
 - d. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.
5. If the permitted use is not commenced within one (1) year from [REDACTED], this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.
6. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.
7. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Miscellaneous

The conditions and terms of this permit shall be binding upon owner, his successors and assigns.

- 1. Delay of City to terminate this permit on account of breach of owner of any of the terms hereof shall not constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach and a waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
- 2. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this permit.
- 3. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed to the owner as follows:

Contact Name and Address: La Vista Senior Housing, LLC Nelson Construction and Development
Jacob Wolfgang Ryan Young
218 6th Ave., STE. 200
Des Moines, IA 50309
(515) 457-9000

Effective Date:

This permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pamela A Buethe, CMC
City Clerk

CONSENT AND AGREEMENT

The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and timely perform and discharge all obligations and liabilities herein required by owner to be performed or discharged.

Owner:

By: _____

Title: _____

Date: _____

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 20152017, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Pamela A. Buethe, personally known by me to be the Mayor and City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing Agreement, and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said City.

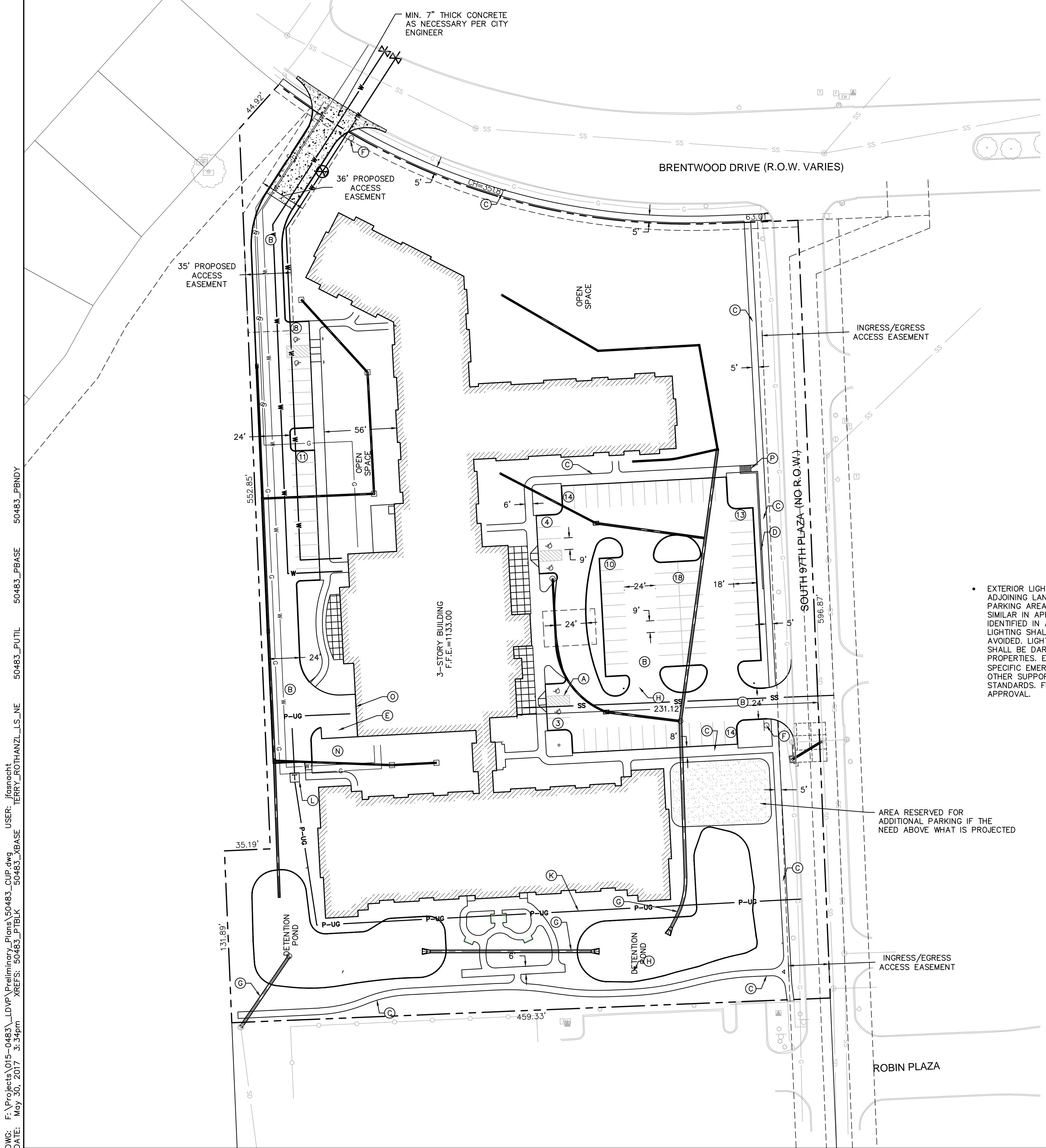
Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 20152017, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared [_____], personally known by me to be the _____ of Nelson Construction and DevelopmentLa Vista Senior Housing, LLC, and the identical person whose name is affixed to the foregoing Agreement, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

Notary Public

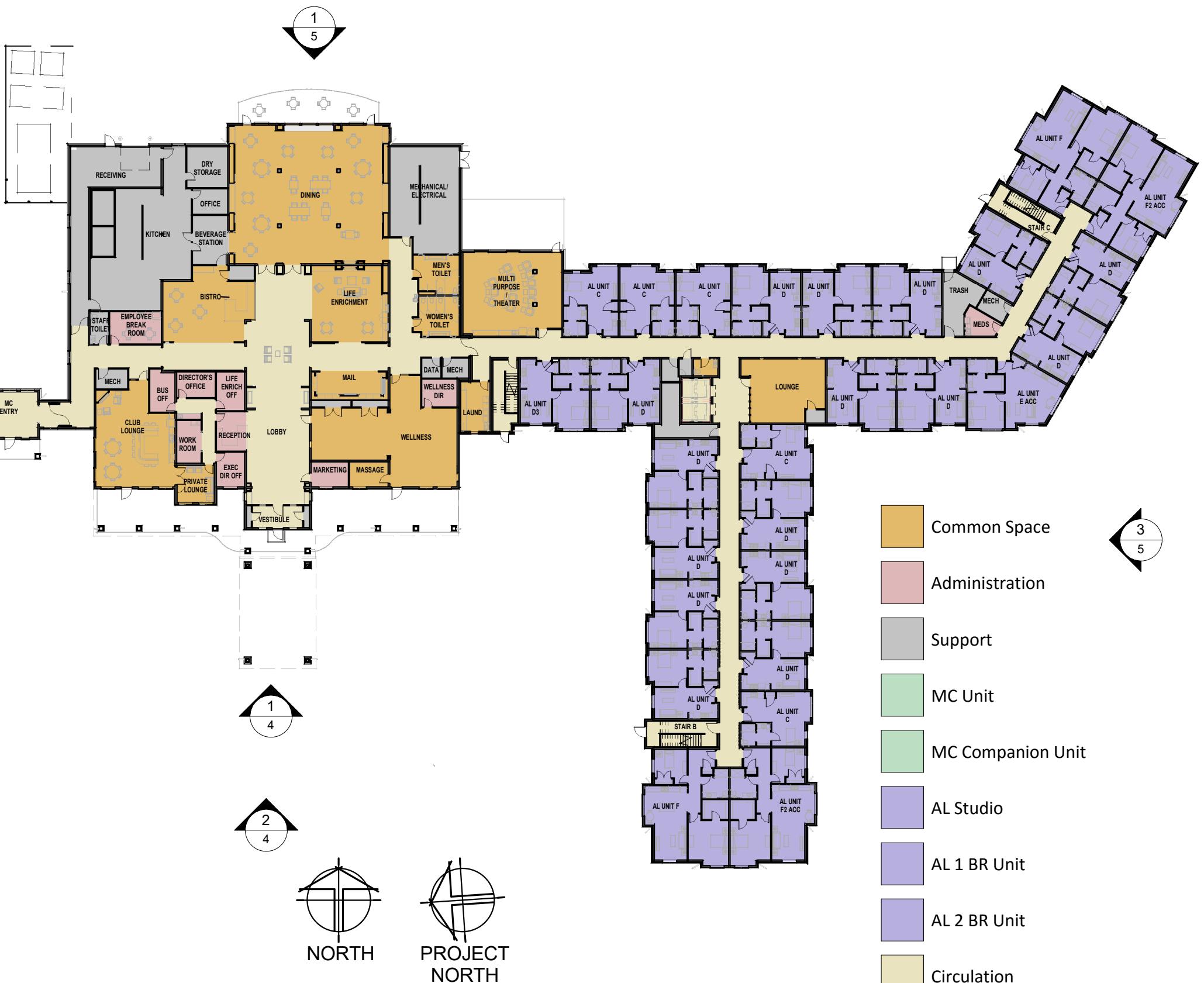




Unit Mix
(30) MC Units
(80) AL Units

FIRST FLOOR

66,783 SF



Nelson Development Senior Housing

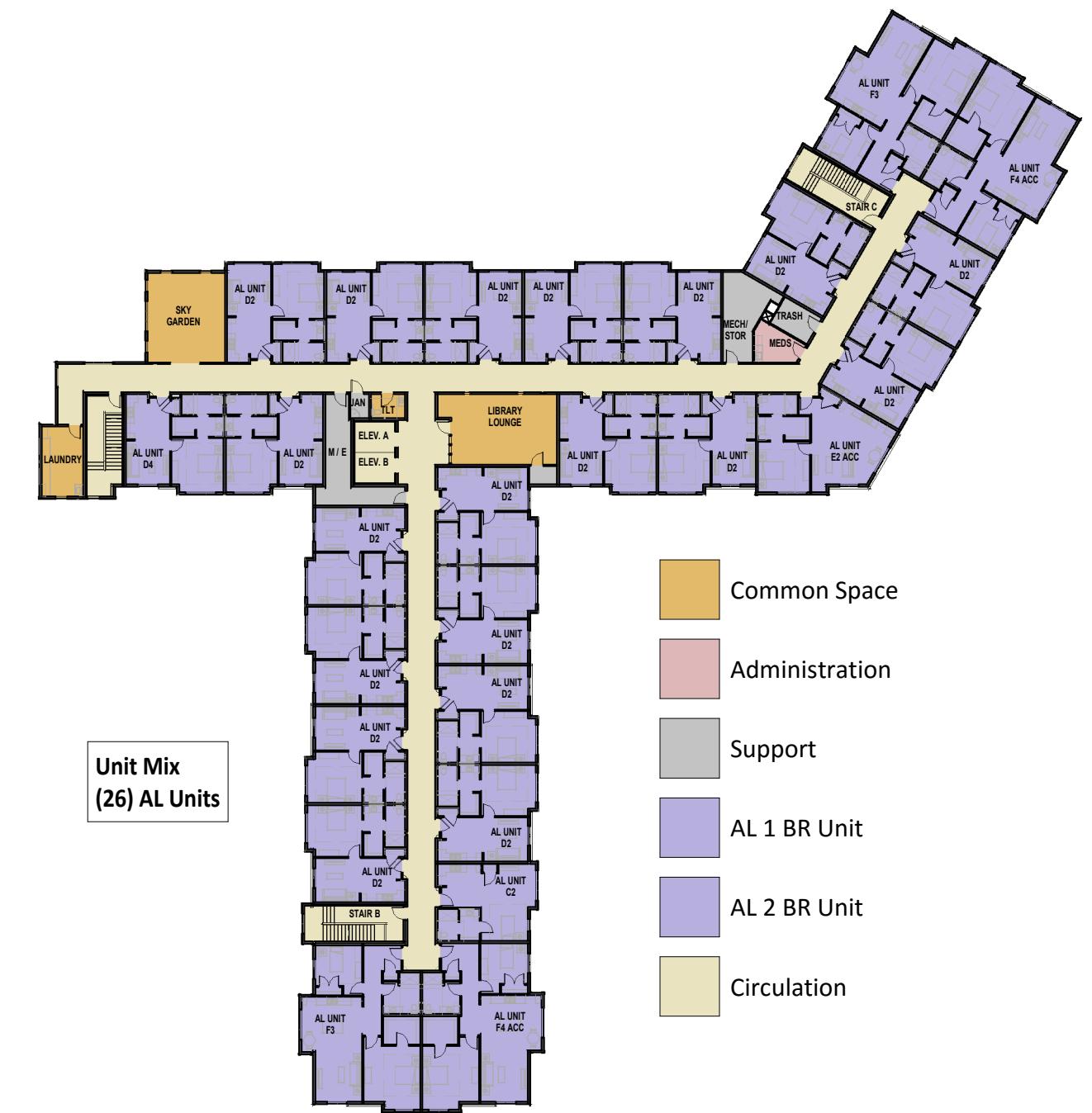
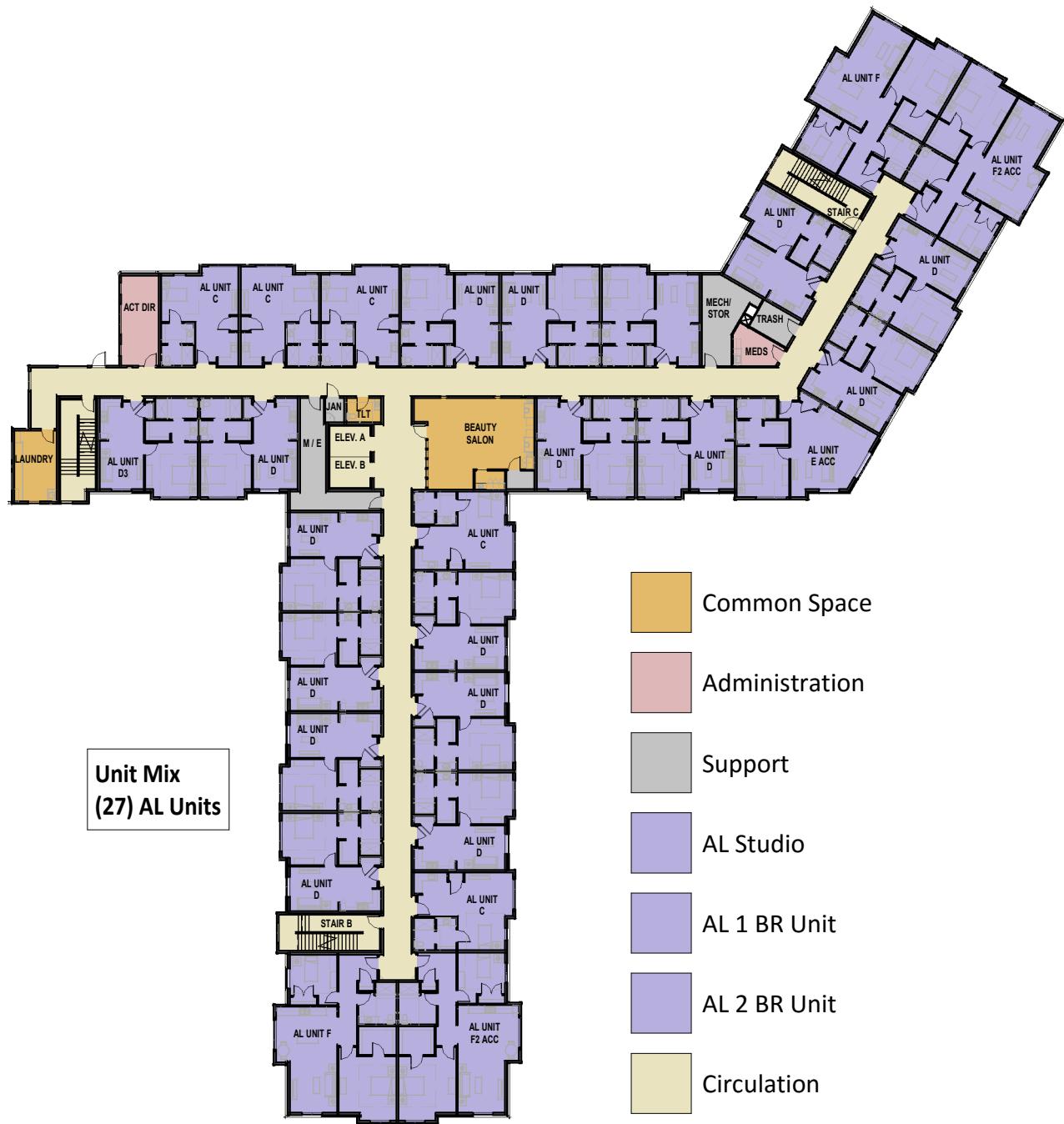
96TH STREET AND GILES ROAD, LA VISTA, NE

4/27/17 | COMM#58475-15039



Central Projects (58475_LAVISTA_General_R10_Bryan.nsf
4/28/2017 8:31:34 AM)





SECOND FLOOR

24,395 GSF

Nelson Development Senior Housing

96TH STREET AND GILES ROAD, LA VISTA, NE

POPE
ARCHITECTS

3/31/17 | COMM#58475-15039

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THIRD FLOOR

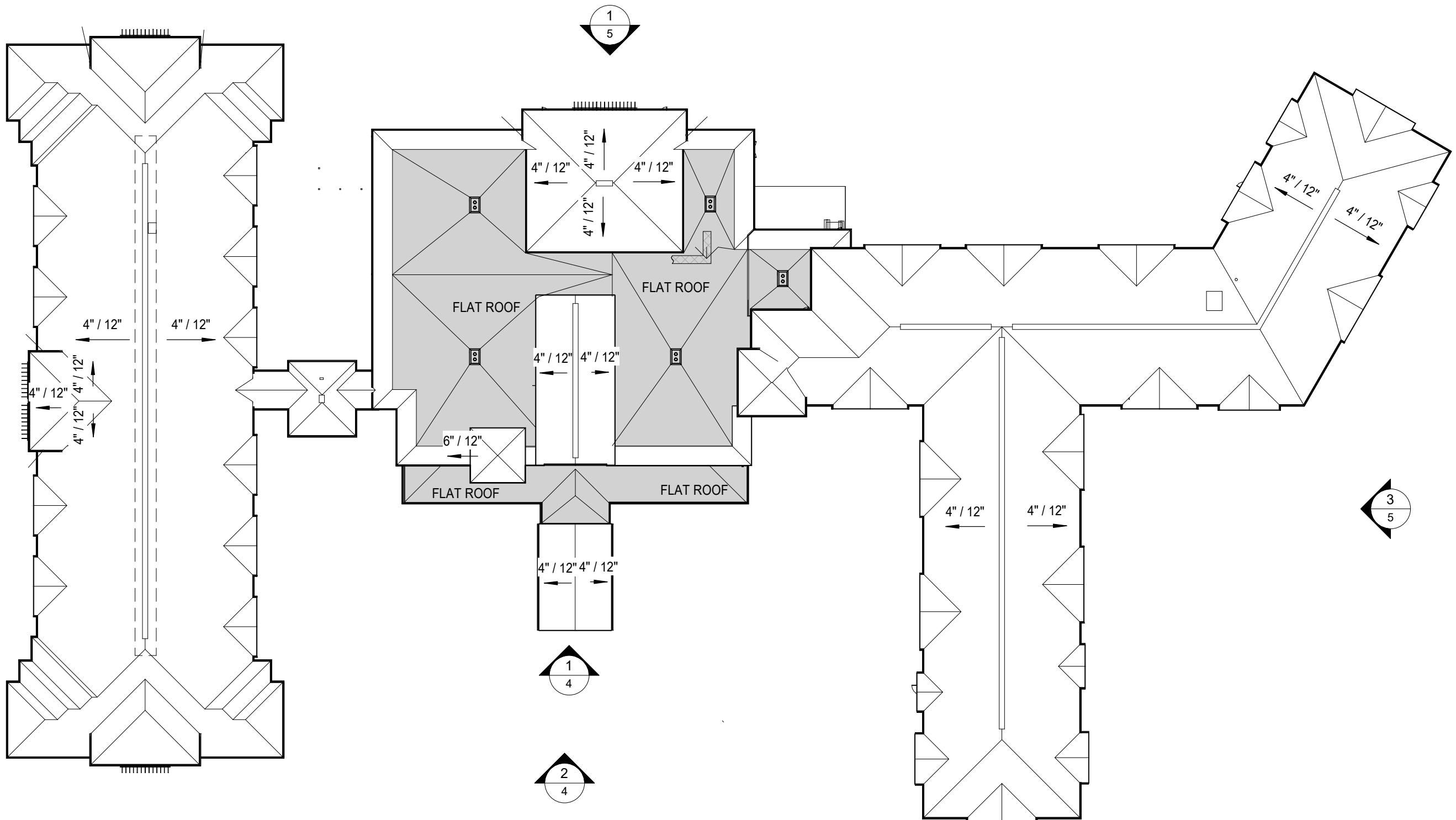


NORTH



PROJECT NORTH





ROOF PLAN



Nelson Development Senior Housing

96TH STREET AND GILES ROAD, LA VISTA, NE

04/27/17 | COMM#58475-15039

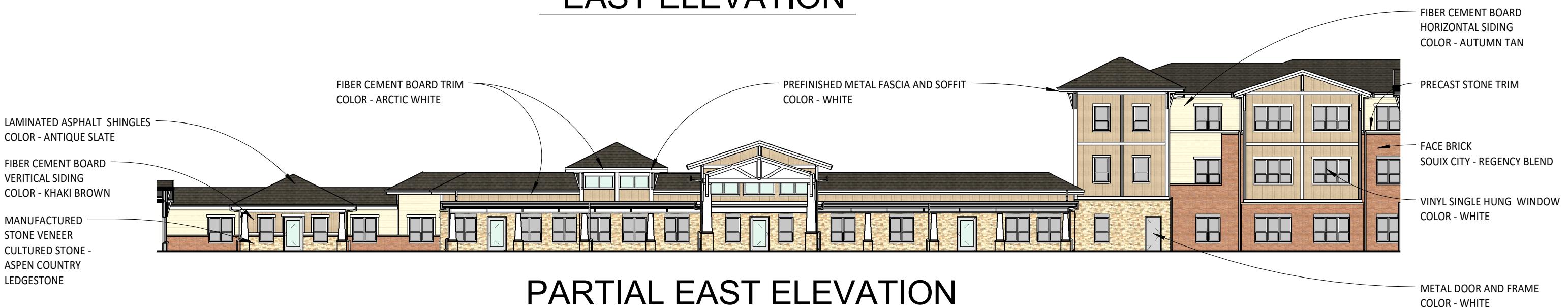




SOUTH ELEVATION



EAST ELEVATION



PARTIAL EAST ELEVATION

Nelson Development Senior Housing

96TH STREET AND GILES ROAD, LA VISTA, NE

04/27/17 | COMM#58475-15039



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NORTH ELEVATION



WEST ELEVATION



PARTIAL WEST ELEVATION

Nelson Development Senior Housing

96TH STREET AND GILES ROAD, LA VISTA, NE

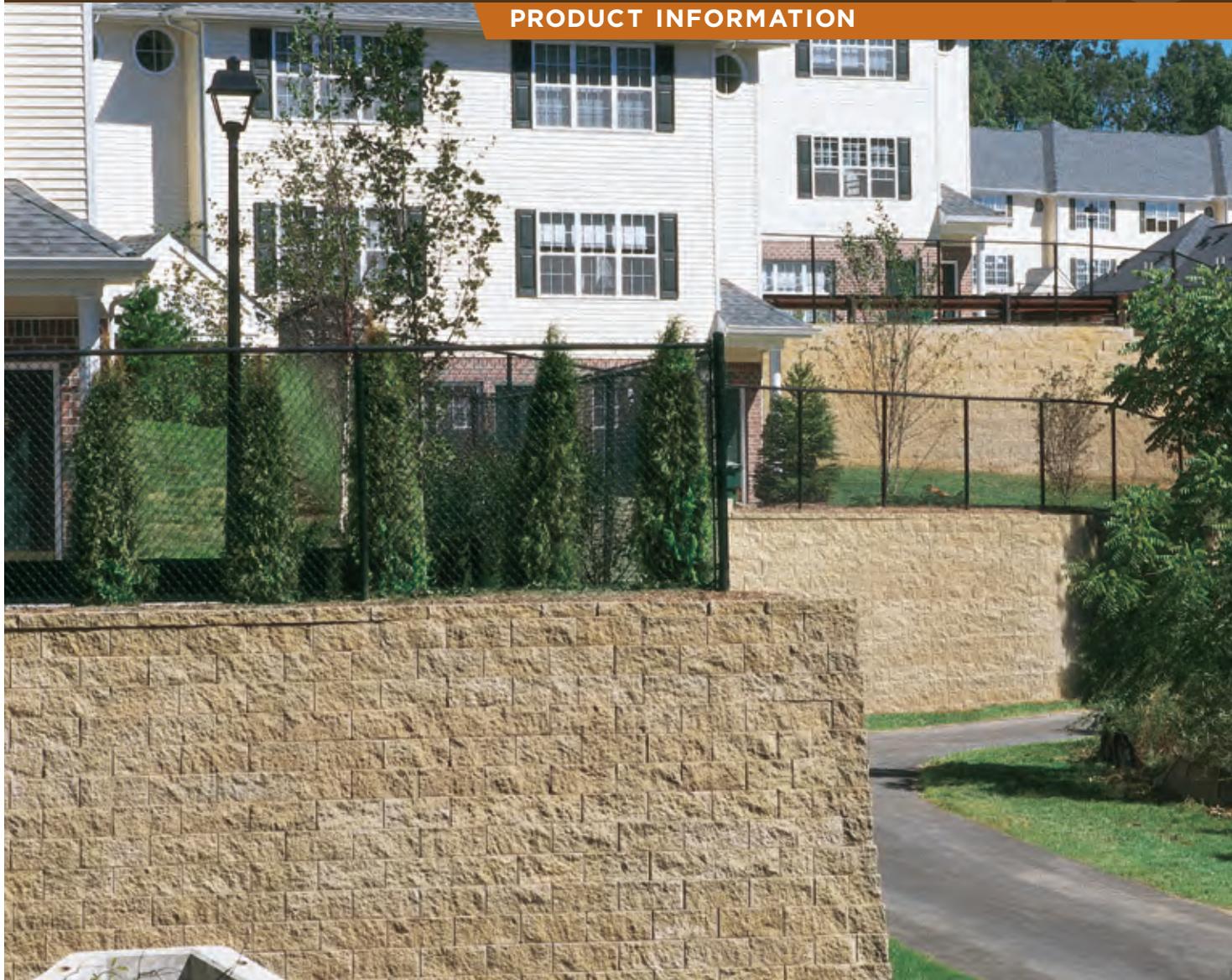
04/27/17 | COMM#58475-15039



Central Projects 15039_LAVISTA_General_R10_Bryan.nit

4/28/2017 8:32:19 AM



PRODUCT INFORMATION

Designed for steep, sloping hillsides and other structural challenges, the Vertica Pro® retaining wall system can be built to virtually any height in incredibly tight spaces – thanks to an impressive 4-degree batter, built-in alignment locators, and a near-vertical rise for less excavation and land loss. Typically used with geosynthetic reinforcement, Vertica Pro blocks meet or exceed industry standards for strength and durability.

- Pinless, patented locator lug gives quick, uniform setback for reduced labor costs
- Used in commercial-site development or anywhere space is at a premium
- Warm earth-tone colors and rugged, rock-like texture
- For gravity wall applications, the Vertica Pro system, with its deeper design, can accommodate walls up to approximately 6 feet high, including buried course, but excluding the cap*

- Taller walls can be built using geosynthetic reinforcement or the Anchorplex™ retaining wall system when designed by a qualified engineer

Straight Face

- Minimum outside radius, measured on the top course to the front of the units: 8 feet, 6 inches
- Minimum inside radius, measured on the base course to the front of the units: 5 feet, 6 inches

Beveled Face

- Minimum outside radius, measured on the top course to the front of the units: 5 feet, 6 inches
- Minimum inside radius, measured on the base course to the front of the units: 8 feet

*This height assumes cores and insets are filled with drainage aggregate, level backfill and clean, compacted sand or gravel and no surcharge.

PRODUCT INFORMATION



Stretcher Units	Straight Face	Beveled Face
Approximate Dimensions*	8" x 18" x 20"	8" x 18" x 20"
Approximate Weight*	115 lbs.	112 lbs.
Coverage	1.00 sq. ft.	1.00 sq. ft.
Setback/System Batter	1/2"/4°	1/2"/4°

Visit anchorwall.com for
installation instructions.

*Product dimensions are height by face length by depth. Actual dimensions and weights may vary from these approximate values due to variations in manufacturing processes. Specifications may change without notice. See your Anchor representative for details, color options, block dimensions and additional information.



Accessory Units	Cap	Corner
Approximate Dimensions*	Front, 4" x 17 1/4" x 10 3/8" Back, 4" x 12" x 10 3/8"	8" x 18" x 9" 8" x 18" x 9"
Approximate Weight*	41 lbs.	101 lbs.
Coverage	1.22 lin. ft.	1.50 sq. ft.

© 2011 Anchor Wall Systems, Inc. The Vertica Pro® wall system is manufactured under license from Anchor Wall Systems, Inc. (AWS). The "Anchor A" and "Anchor Build Something Beautiful" logos, "Anchorplex" and "Vertica Pro" are trademarks of AWS. The wall system blocks are covered by the AWS Limited Warranty. For a complete copy, visit your local dealer or see anchorwall.com.

Anchor Wall Systems, Inc., 5959 Baker Road, Suite 390,
Minnetonka, MN 55345.

A&B0808

73.3073.1 08/11 4015

M



L



Gray



Chestnut



Jerithi *Liberty* Aluminum Fence



LIBERTY ALUMINUM FENCE IS AN ECONOMICAL YET PROVEN, FENCE SOLUTION without all the extras. The one exception is the FencCoat finish - a long-lasting, high-quality powder coat that is guaranteed not to crack, chip or peel for the life of the fence. It is twice as thick as paint, more durable, and fade and scratch resistant. And, it is nearly maintenance free.



All Jerith aluminum fences are constructed using a high-strength aluminum alloy called HS-35™ that will never rust, even in coastal areas or around pools. Liberty is available in black or bronze and a variety of styles and heights.



Available colors:

Black

Bronze

These color swatches are only approximations. Please refer to actual color samples for final matching.

Style and Height Combinations

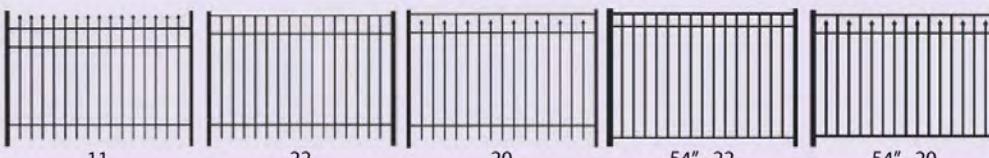
11 & 22	48"
20 & 22 Modified	54"
20 & 22	60"

**Economy
Priced!**



Ornamental Fencing

Liberty Fence Styles:



Preliminary Exterior Wall Sconce Selections

Re: La Vista Senior Housing
Omaha, NE
PAI #58475-15039

Subject: Exterior Wall Sconce

Date: April 13, 2015

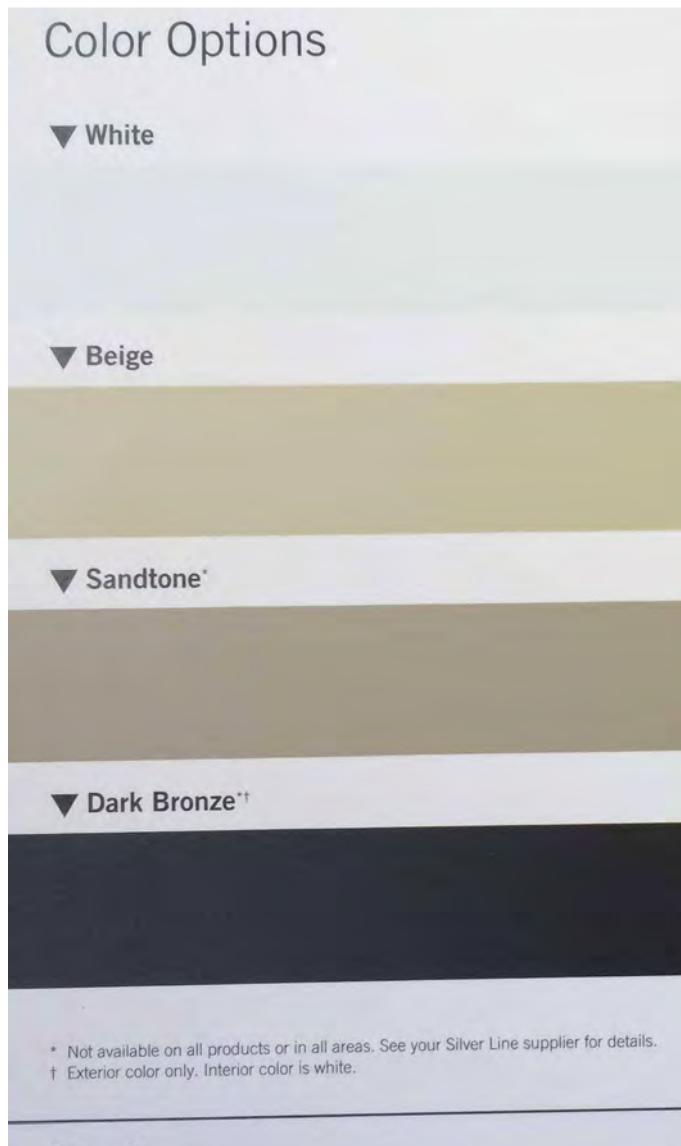
1.01	Exterior Wall Sconce @ Entrance
	NUVO #60/4992 Boxwood 1 Light Outdoor Wall Lantern in Rustic Bronze
	KICHLER #49072BST Atwood 1 Light Outdoor Wall Lantern in BST
	KICHLER #49228OZ Franceasi Collection Outdoor Wall 1Lt



**Nelson Development Senior Housing
Exterior Finishes**
LA VISTA, NEBRASKA
COMMISSION #58475-15039

POPE
ARCHITECTS

NELSON
CONSTRUCTION & DEVELOPMENT



VINYL WINDOW COLOR - "WHITE"

FIBER CEMENT BOARD LAP SIDING
"Navajo Beige" replaces siding color
"Autumn Tan"



MORTAR COLOR
"Prism P2510 Fawn Tan

POPE ARCHITECTS, INC.